
From: Bohlen, Carolyn
To: Bohlen, Carolyn
Sent: 7/14/2016 6:25:21 PM
Subject: Fw: EPA's 104(e) Requests for South Dayton Landfill

Carolyn Bohlen, Ed.D., Chief
Enforcement Services Section #2, Superfund Division
U.S. Environmental Protection Agency, Region 5
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Chicago, Illinois 60604
Phone: (312) 886-6541 Fax: (312) 692-2947
bohlen.carolyn@epa.gov

From: Rafati, Michael
Sent: Monday, February 9, 2015 3:52 PM
To: Patterson, Leslie; Nash, Thomas; Herring, Margaret
Cc: Bohlen, Carolyn
Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

Hi Leslie,

I spoke with Sara Habert from Toeroek this afternoon about if her firm is updating and the master list for the South Dayton Dump Site. I asked her to provide the site team to with a copy of the most updated version of the list. She will be sending us a copy of the master list. Once you receive let me know if there is any issues that you want me to bring up with the contractor.

Thanks,

M. Rafati

From: Patterson, Leslie
Sent: Monday, February 09, 2015 11:49 AM
To: Nash, Thomas; Rafati, Michael; Herring, Margaret
Subject: RE: EPA's 104(e) Requests for South Landfill

Mike, can you confirm whether your contractor is updating the master list as this information comes in?

Leslie Patterson
Remedial Project Manager
U. S. Environmental Protection Agency, Region 5
Superfund Remedial Response, SR-6J
77 West Jackson Boulevard
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tel: (312) 886-4904
fax: (312) 692-2491
patterson.leslie@epa.gov

From: Nash, Thomas
Sent: Monday, February 09, 2015 11:36 AM
To: Rafati, Michael; Patterson, Leslie; Herring, Margaret
Subject: FW: EPA's 104(e) Requests for South Dayton Landfill

Hi Mike, Leslie, Margaret:

Here's an address change we should track. Leah still represents Coca Cola at this Site, but she's working for Ballard Spahr now, out of their Atlanta offices. Please make a note of this address change for Coca Cola's designated legal representative at this site.

Thanks, Tom

From: Knowlton, Leah J. (Atlanta) [<mailto:KnowltonL@ballardspahr.com>]
Sent: Monday, February 09, 2015 9:59 AM
To: Nash, Thomas
Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

Hi Tom,

Could you please update your contact list with my correct firm name and address? The Special Notice letter went to my old firm.

Thanks,
Leah

Leah J. Knowlton
Ballard Spahr LLP
999 Peachtree Street
Suite 1000
Atlanta, GA 30309-3915
Direct 678.420.9454
Fax 678.420.9301
knowltonl@ballardspahr.com | www.ballardspahr.com

From: Nash, Thomas [<mailto:nash.thomas@epa.gov>]
Sent: Monday, February 09, 2015 10:57 AM
To: Knowlton, Leah J. (Atlanta)
Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

Leah:

Thank you. I'll send out conference line information later today.

Thanks, Tom

From: Knowlton, Leah J. (Atlanta) [<mailto:KnowltonL@ballardspahr.com>]
Sent: Monday, February 09, 2015 9:53 AM
To: 'Bill Wick'; 'Vicki J. Wright'; 'Jack Van Kley'; Nash, Thomas
Cc: 'James B. Slaughter'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis,

Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'

Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

I can participate tomorrow, on behalf of Coca-Cola.

Thanks,
Leah

Leah J. Knowlton
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From: Bill Wick [<mailto:BillWick@ww-envlaw.com>]

Sent: Monday, February 09, 2015 10:41 AM

To: 'Vicki J. Wright'; 'Jack Van Kley'; 'Nash, Thomas'

Cc: 'James B. Slaughter'; Knowlton, Leah J. (Atlanta); 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'

Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

I can participate tomorrow; Wednesday would be more difficult.

From: Vicki J. Wright [<mailto:vwright@kdlegal.com>]

Sent: Monday, February 09, 2015 7:29 AM

To: 'Jack Van Kley'; 'Nash, Thomas'

Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; Bill Wick; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'

Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

I am planning to attend and can be available tomorrow as well as Wednesday morning or Thursday. Vicki

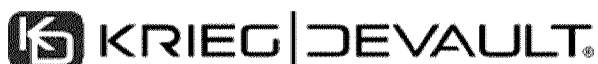
Vicki J. Wright

Partner

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From: Jack Van Kley [<mailto:jvankley@vankleywalker.com>]

Sent: Monday, February 09, 2015 10:27 AM

To: 'Nash, Thomas'

Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Bill Wick'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; Vicki J. Wright; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'

Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

Tom, I will be in court tomorrow and can't attend the call tomorrow morning. However, I have no objection to your proceeding with the rest of those who are interested in having the discussion. If the others are widely available tomorrow morning, I recommend that you go ahead with the call. If tomorrow morning is not good for many of the others and you wish to reschedule, I am open on Wednesday and Thursday. Regards, Jack

Jack A. Van Kley
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Suite C-1
Columbus, OH 43235
Telephone: (614) 431-8900
Facsimile: (614) 431-8905
E-Mail: jvankley@vankleywalker.com
Website: www.vankleywalker.com

From: Nash, Thomas [<mailto:nash.thomas@epa.gov>]

Sent: Monday, February 09, 2015 10:01 AM

To: Jack Van Kley

Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Bill Wick'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Vicki J. Wright'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'

Subject: RE: EPA's 104(e) Requests for South Dayton Landfill

Jack:

(and friends and associates and colleagues of Jack, as well)

I thought I'd reserve a conference line tomorrow morning (Tuesday February 10) and invite you, Jack, and all those who were copied on your email (below) to join me for a brief discussion of the Special Notice letter and CERCLA 104(e) information request received by your clients.

If you are able to take part in such a discussion tomorrow morning beginning at 10:00 am CST, please

reply to this email and let me know that you are available and would like to join such a discussion at that time. If you are still interested in such a discussion but not available tomorrow at 10:00 am CST, please let me know that.

Thanks, Tom

From: Jack Van Kley [mailto:jvankley@vankleywalker.com]

Sent: Friday, January 30, 2015 4:17 PM

To: Nash, Thomas

Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Bill Wick'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Vicki J. Wright'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'

Subject: EPA's 104(e) Requests for South Dayton Landfill

Tom,

Following our conversation earlier this week, I asked the attorneys representing other recipients of EPA's Special Notice Letter for South Dayton Landfill whether they believe that it would be productive to have a group discussion with you by telephone to talk about the invitation to negotiate and information requests in EPA's letter. The attorneys who have indicated an interest in having this discussion with you are listed below, along with the names of the clients they represent:

Bill Wick, Bridgestone
Jack Van Kley, Cargill and Newmark
Leah Knowlton, Coca Cola
John Andreason, Conagra Grocery Products
Erin Rhinehart, Cox Media Group Ohio
Ted Esborn, Day International
Drew Campbell/Frank Merrill, Dayton Power & Light
David Pierce, Fickert Devco
Steve Haughey, Flowserve, Standard Register and Univ. of Dayton
Robert Thumann, Franklin Iron & Metal
Jennifer Black, Harris Corporation
Sarah Slack, Kimberly Clark
James Slaughter, Ohio Bell
Brad Nes, P-Americas
Roger Fry, Peerless Transportation
Vicki Wright, Pharmacia
Marty Lewis, Valley Asphalt
Bill Harbeck, Waste Management of Ohio

I am copying these attorneys on this message, so that you have their email addresses.

Individual recipients of the Special Notice Letter, including some on the foregoing list, might need to discuss issues about the information requests and invitation to negotiate that are specific only to each of those recipients. However, a group discussion to talk about issues common to the listed companies would be more efficient than going over the same issues with every recipient affected by those issues. Consequently, we would appreciate the opportunity to have such a discussion with you.

I appreciated the opportunity to have preliminary discussions about the Special Notice Letter with you. Based on our discussion, I understand that the statement in EPA's letter that "[y]ou are encouraged to contact EPA by January 30, 2015 to indicate your willingness to participate in future negotiations

concerning this Site" is not a deadline, since it only "encourages" the letter's recipients to respond by that time, and that EPA will be receptive to such responses for a couple of weeks after January 30. I also understand that, if individual companies need more than another two weeks to respond, they should let you know that they need more time.

As to the information requests, I understand from our discussion that the respondents are not expected to provide information for time periods other than 1941 to 1996 (when the South Dayton Landfill was open for business) and that the respondents are not required to respond to Request Nos. 16. p. and q. (concerning wastes discharged into drains and sewers).

If I misunderstand EPA's position on any of these points, I would appreciate it if you would let me know. We look forward to working with you on these issues.

Regards, Jack

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